

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
NORTHERN DIVISION**

CHRISTOPHER L. HEITMANN

PLAINTIFF

VERSUS

CIVIL ACTION NO. 3:22-cv-85-KHJ-MTP

**PLANET FIT INDY 10 LLC; PLANET FITNESS
FRANCHISING LLC; PLANET FITNESS d/b/a
UNITED PF JLM, LLC; PLANET FITNESS d/b/a
UNITED PF ROB, LLC, and
JOHN DOES 1-10 AND XYZ CORP 1-9**

DEFENDANTS

MOTION TO DISMISS

COME NOW these Defendants, UNITED PF JLM, LLC; and, UNITED PF ROB, LLC (hereinafter "Defendants"), and file this, their Motion to be Dismissed from this case pursuant to Rule 12(b)(6), Fed.R.Civ.P., as follows:

Before filing any responsive pleading, these Defendants specially appear and object to the Plaintiff's Complaint in that same fails to state a claim upon which relief can be granted against these Defendants, such that pursuant to Rule 12(b)(6), FRCP, the Complaint as against them should be dismissed with prejudice. Specifically, these Defendants would show that all of the Plaintiff's allegations contained in his Complaint center around the fundamental claims that he was employed at a Planet Fitness franchise location in Pearl, Mississippi. These Defendants have no ownership nor any other interest in that location, and neither of these Defendants has ever had any type of employment relationship with the Plaintiff. Attached in support of this position is the Declaration of Mallory Frick, Director of Administration of United PF JLM, LLC, and United PF ROB, LLC, as Exhibit "A" hereto.

The Plaintiff's contentions that either of these Defendants ever had anything to do with this Pearl, Mississippi, location, or ever had any employment relationship with the Plaintiff, are simply untrue.

On information and belief, the Planet Fitness location in Pearl, Mississippi, is owned and operated by R & H Fitness Pearl, LLC, and human resource services for that location are provided by Planet Fit Indy 10, LLC. As is documented in the Declaration of Michele Dodd, Chief Development Officer and In-House Counsel of Planet Fit Indy 10, LLC, neither of these Defendants had anything to do with that specific location in Pearl, MS, nor with the Plaintiff. Ms. Dodd's Declaration is attached as Exhibit "B" hereto.

These Defendants, UNITED PF JLM, LLC, and UNITED PF ROB, LLC, are now and were at the time of the commencement of this suit, limited liability companies established and existing under the laws of the State of Delaware, with their principal place of business located at 4635 Boston Lane, Suite 200, Austin, Texas 78735, qualified to do and doing business in the State of Mississippi, but neither had anything to do with the Planet Fitness located in Pearl, Mississippi, and neither has ever had any employment relationship with the Plaintiff. These Defendants should accordingly be dismissed from this case.

RESPECTFULLY SUBMITTED, this the 28th day of February, 2022.

UNITED PF JLM, LLC; and
UNITED PF ROB, LLC, Defendants

BY: ANDERSON CRAWLEY & BURKE, PLLC,
Their Attorneys

BY: /s/ Timothy D. Crawley
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CERTIFICATE OF SERVICE

I, the undersigned counsel of record, do hereby certify that I have this date electronically filed the foregoing with the Clerk of the court using the ECF system which sent notification of such filing to the following individuals at their usual addresses:

W. Matthew Burch, Esq.
Burch Law Firm, PLLC
Post Office Box 692
Madison, MS 39130
Attorney for Plaintiff

This, the 28th day of February, 2022.

BY: /s/ Timothy D. Crawley
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